

### **REMARKS/ARGUMENTS**

Reconsideration of this application is respectfully requested.

Claims 16-21, 23-29, 32, 37-41, 46-65 and 68-70 stand rejected under 35 USC 112, second paragraph. Withdrawal of the rejection is believed to be in order for the reasons that follow.

In rejecting the claims as indefinite, the Examiner contends that one could not “appraise the metes and bound[s]” of the following language (e.g., in claim 21):

“...wherein said modification introduces the following blocks of amino acids at the stated positions: 233P, 234V, 235A, 236G, 327G, 330S and 331S numbered with respect to the EU numbering system of Kabat  
and wherein said chimeric C<sub>H</sub>2 domain is at least 98% identical to a C<sub>H</sub>2 sequence (residues 231-340) from human IgG1, IgG2 or IgG4 having said modified amino acids”.

The Examiner’s attention was previously directed to the fact that the reference point for % identity is a native sequence including the modifications. Thus, this is, in effect, claiming sequences that are >98% identical to exemplified sequences of the present invention (i.e., native sequences having the modifications, e.g., G1Δac, G2(hyp), G4Δc etc.). Since the claims only cover sequences that have the required blocks of amino acids, i.e.:

233P, 234V, 235A, 236G and 327G, 330S and 331S,  
the 98% identity language, in effect, allows a further 2 changes within the (defined, modified) 110 amino acid C<sub>H</sub>2 sequence.

Applicants agree with the Examiner’s analysis of the number of substitutions required to arrive at the “PVAG...GSS” from IgG1 (6 substitutions) and IgG2 and IgG4 (3 substitutions). However, Applicants do not believe that this creates a contradiction in the claims. The claims explicitly recite:

“and wherein said chimeric C<sub>H</sub>2 domain is at least 98% identical to a C<sub>H</sub>2 sequence (residues 231-340) from human IgG1, IgG2 or IgG4 having said modified amino acids”

By contrast the Examiner appears to reading the claim as follows:

“and wherein said chimeric C<sub>H</sub>2 domain is at least 98% identical to a C<sub>H</sub>2 sequence (residues 231-340) from human IgG1, IgG2 or IgG4.”

That is, the Examiner appears to be overlooking the language “having said modified amino acids”. The Examiner is respectfully urged to give careful consideration to this point. It is believed that, having done so, the Examiner will find that the claims satisfy the requirement of 35 USC 112, second paragraph.

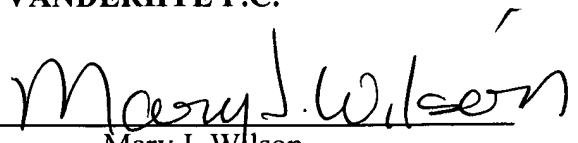
In view of the above, reconsideration and withdrawal of the rejection are requested.

This application is submitted to be in condition for allowance and a Notice to that effect is requested. **If the Examiner finds any issue to remain outstanding, she is urged to contact the undersigned by phone so that same can be resolved.**

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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